

May 4, 1998

**DURHAM, NORTH CAROLINA
MONDAY, MAY 4, 1998
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: Council Member Brown.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time the following proclamations were read "Drinking Water Week"; "Tracey Hester's Day"; and "Tri-Transit Week." Also, Mayor Tennyson presented various gifts to Bruce Kenyon, Jr. who was the winner of a statewide poster contest promoting the importance of safe drinking water. Council Member McKissick read a "Resolution Honoring Githens Show Dog Drill Team."

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. The Mayor informed council of the following items pulled from the Consent Agenda by citizens: Consent Items 1; 3; and 12. Also, Mayor Tennyson reminded council of the following Consent Items pulled at the Committee-of-the-Whole Meeting: Consent Items 2 and 24.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

[CONSENT AGENDA]

SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION INTERN PROGRAM AGREEMENT

MOTION by Council Member Larson seconded by Council Member Miller

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to adopt a resolution authorizing an Intern Program Agreement with the North Carolina Department of Transportation; and

To adopt the "City of Durham Grant Project Ordinance Public Transportation Intern" was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**Resolution #8454
Ordinance #11414**

**SUBJECT: PROPOSED SCHEDULE FOR FINANCE COMMITTEE REVIEW OF
PRELIMINARY FISCAL YEARS 1998-1999 AND 1999-2000 BUDGET**

MOTION by Council Member Larson seconded by Council Member Miller to adopt the schedule for the Finance Committee review of the Preliminary Fiscal Years 1998-1999 and 1999-2000 Budget was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: PURCHASE OF ADDITIONAL SOFTWARE FOR THE MOBILE DATA
SOLUTION - HTE, INC.**

MOTION by Council Member Larson seconded by Council Member Miller to find that standardization and compatibility are overriding considerations with respect to the purchase of the Mobile Mug Shot, Text to Voice, and Pawn Shop software modules; and

To approve the purchase of the Mobile Mug Shot, Text to Voice, and Pawn Shop software modules from HTE, Inc., pursuant to G.S. 143-129(f), for \$66,976 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

**SUBJECT: FINAL APPROVAL OF HOME FUNDS FOR TRIANGLE RESIDENTIAL
OPTIONS FOR SUBSTANCE ABUSERS (TROSA), INC., - 1127 AND
1129 ROXBORO STREET**

MOTION by Council Member Larson seconded by Council Member Miller

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to authorize the City Manager to execute a Loan Agreement with TROSA, Inc. in an amount not to exceed \$110,000, and to execute related loan closing documents, and to make minor changes to the Loan Agreement and other related loan closing documents as are consistent with the loan terms and the Federal HOME Program requirements as published by the U. S. Department of Housing and Urban Development; and

To determine and find that mortgage loans for this rental housing project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: ADOPTION OF THE 1998-99 DURHAM CONSOLIDATED ACTION PLAN

MOTION by Council Member Larson seconded by Council Member Miller to adopt the 1998-99 *Durham Consolidated Action Plan* and to authorize the Planning staff to submit the Plan to the U. S. Department of Housing and Urban Development (HUD) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: RESOLUTION ENCOURAGING THE CITY MANAGER TO WORK WITH THE COUNTY MANAGER AND THE SUPERINTENDENT OF DURHAM PUBLIC SCHOOLS TO PROVIDE MUTUAL SUPPORT FOR GOALS THAT WILL BENEFIT DURHAM'S CITIZENS

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Encouraging the City Manager to Work with the County Manager and the Superintendent of Durham Public Schools to Provide Mutual Support for Goals That Will Benefit Durham's Citizens" was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

Resolution #8455

SUBJECT: RECREATION ADVISORY COMMITTEE APPOINTMENTS

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MOTION by Council Member Larson seconded by Council Member Miller to appoint Joe Williams, Susan E. Foster-Johnson, Joan M. Hanley and Shirley Ruth Harper to the Recreation Advisory Committee for terms to expire August 8, 2000 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: SITE PLAN APPROVAL - SOUTH COURT

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for South Court, submitted by South Court, L.L.C., consisting of a 109,630 square foot office building with 27,720 square feet of retail shops and an 8,000 square foot restaurant with 514 parking spaces proposed on 6.36 acres, zoned GC(D), and located at the southeast corner of University Drive and Shannon Road (Tax Map #435-2-4) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: SITE PLAN APPROVAL - HERNDON ROAD COMMUNITY PROPERTIES, INC.

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Herndon Road/Community Properties, Inc. consisting of 53 town homes with open space proposed on 53.72 acres, zoned PDR-4.06; F/J-B, and MTC and located on both sides of Herndon Road, between Crooked Creek and Wellington Forest Subdivision, south of NC 54 (Tax Map #525-1-14A) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: SITE PLAN APPROVAL - HIGHGATE TOWNHOMES

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for the Highgate Townhomes, submitted by Ticon, Inc., consisting of 28,248 square feet of office space in three buildings and 44 townhome apartments, proposed on ±8.67 acre site, zoned OI-2, F/J-B, and MTC and located on the south side of Highgate Drive, east of Orchard Drive and north of I-40 (Tax Map

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#525-02-08A) was approved at 7:54 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: RESURFACING OF TENNIS COURTS AT CITY PARKS, ADVANTAGE SPORTS SURFACES, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Advantage Sports Surfaces, Inc. in the amount of \$694,600, for the resurfacing of 38 tennis courts in seven City parks; and

To accept an add-alternate in the amount of \$572,340 for resurfacing the remaining 30 tennis courts when funding is made available in July of 1998 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: SEWER BACK-UP CLAIMS - 3415 MEDFORD ROAD AND 331 WEST MAIN STREET

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to pay two sewer back-up claims not to exceed a total of \$44,000 for damages incurred at 3415 Medford Road and 331 West Main Street was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: CITY HALL PHASE I SECURITY PLAN

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the City Hall Phase I Security Plan was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: MUNICIPAL AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION - HANOVER STREET RAILROAD CROSSING WARNING DEVICES

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MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the City Manager to enter into a Municipal Agreement with North Carolina Department of Transportation for the installation of railroad warning devices on Hanover Street was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

Resolution #8456

SUBJECT: LOADING AND UNLOADING ZONE - FAYETTEVILLE STREET

MOTION by Council Member Larson seconded by Council Member Miller to rescind Ordinance #5049, adopted December 18, 1978, that prohibited parking on the west side of Fayetteville Street beginning at a point 150 feet south of the south curb line of Linwood Avenue, if extended, and extending from the point southwardly for a distance of 90 feet; and

To adopt an ordinance prohibiting parking on the west side of Fayetteville Street beginning at the south curb line of Linwood Avenue, if extended, and extending from that point southwardly for a distance of 63 feet; and

To adopt an ordinance establishing a loading and unloading zone on the west side of Fayetteville Street beginning at a point 63 feet south of the south curb line of Linwood Avenue, if extended, and extending from that point southwardly for a distance of 65 feet; and

To adopt an ordinance prohibiting parking on the west side of Fayetteville Street beginning at a point 128 feet south of the south curb line of Linwood Avenue, if extended, and extending southwardly for a distance of 177 feet was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

Ordinance #11419

Ordinance #11420

Ordinance #11421

Ordinance #11422

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH BK & M VISION, L.L.C., ST. THOMAS PLACE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller

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to authorize the City Manager to enter into a water and sewer extension agreement with BK & M Vision, L.L.C. for the extension of City water and sewer to St. Thomas Place Subdivision, a 4.47-acre, 8-lot, single-family subdivision located on Southpark Drive approximately 1,200 feet north of the intersection of NC 54 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH LARRY AND SANDRA HAIRSTON, RIDDLE ROAD AND KIRBY STREET

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water and sewer extension agreement with Larry and Sandra Hairston to extend City water and sewer to a 4-acre, 11-lot, single-family subdivision located at Riddle Road and Kirby Street was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH SUN RIVER BUILDERS, INC. - NEFF STREET

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water and sewer extension agreement with Sun River Builders, Inc. to extend City water and sewer to a single-family lot on Neff Street was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: SEWER EXTENSION AGREEMENT WITH THOMAS OWNES - PICKETT AND WADE ROADS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a sewer extension agreement with Thomas Owens to extend City sewer to serve a single-family lot at the corner of Pickett Road and Wade Road was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

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SUBJECT: WATER EXTENSION AGREEMENT WITH MICHAEL E. WILSON - ARDSLEY DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water extension agreement with Michael E. Wilson to extend City water to serve four single-family lots located on Ardsley Drive was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: RESOLUTION REGARDING DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution of the City of Durham, County of Durham, Regarding Designation of an Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications" was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

Resolution #8457

SUBJECT: BID REPORT - JANUARY 1998

MOTION by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of January 1998 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

[See Attachment #1 for itemized bid report]

SUBJECT: BID REPORT - FEBRUARY 1998

MOTION by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of February 1998 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin,

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Jacobs, Langley, Larson, McKissick and Miller. Noes: None.
Absent: Council Member Brown.

[See Attachment #2 for itemized bid report]

SUBJECT: BID REPORT - MARCH 1998

MOTION by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of March 1998 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

[See Attachment #3 for itemized bid report]

SUBJECT: BIDS - GRASS MOWING SERVICES FOR WATER RESOURCES PUMP STATIONS, TRAIID TURF MANAGEMENT, INC.

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid of Triad Turf Management, Inc. in the amount of \$37,170 for grass mowing services for approximately forty (40) locations was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: TWENTY-FIVE MILES PER HOUR SPEED LIMIT - EAST KNOX STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 25 mph speed limit on East Knox Street beginning at the east curb line of Avondale Drive, if extended, and extending eastwardly to the end of City maintenance was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

Ordinance #11423

SUBJECT: PARKING PROHIBITION - MERIWETHER DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to prohibit parking at any time on the west side and east side of Meriwether Drive in the area beginning at

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the south curb line of Old Oxford Road, if extended, and extending northwardly to the south curb line of Carver Street was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

Ordinance #11424

SUBJECT: STOP SIGNS - GROVE PARK, WESLYN I

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

- 1) Lynwood Valley Court at Weslyn Trace Drive, southeast corner
- 2) Weslyn Trace Drive at Oak Grove Parkway, southwest corner
- 3) Oak Grove Parkway at NC 98, northwest corner

Ordinance #11425

SUBJECT: STOP SIGNS - GROVE PARK, WATER'S EDGE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

- 1) Sandy Bluff Court at North Water's Edge, northwest corner
- 2) North Water's Edge at North Lake Drive, southeast corner

Ordinance #11426

SUBJECT: HANDICAP PARKING - NORTH DRIVER STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish handicap parking on the east side of North Driver Street in the area beginning at a point 225 feet south of the south curb line of Holloway Street, if extended, and extending a distance of 25 feet southwardly was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox,

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Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.
Noes: None. Absent: Council Member Brown.

Ordinance #11427

SUBJECT: WATER MAIN - GRANDALE DRIVE FROM BARBEE ROAD TO AMANDA ROAD (SETTING PUBLIC HEARING)

MOTION by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for the petition for water main on Grandale Drive from Barbee Road to Amanda Road; and

To adopt a resolution setting a public hearing on Monday, May 18, 1998 to consider ordering water main on Grandale Drive from Barbee Road to Amanda Road was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: STREET ACCEPTANCE - GREYFIELD PHASE II

MOTION by Council Member Larson seconded by Council Member Miller to accept the following streets in Greyfield - Phase II for maintenance by the City of Durham was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

- a. Clearview Lane - from the centerline of Greyfield Boulevard northeast to the end of construction (430'); and
- b. Langford Terrace - from the centerline of Clearview Lane west through the cul-de-sac (726')

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the April 6, 1998 regular City Council Meeting was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

[GENERAL BUSINESS AGENDA]

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[PUBLIC HEARINGS]

SUBJECT: Sewer Main - Rogers Road from Fletchers Chapel Road to Penrod Road and **Fletchers Chapel Road** from Rogers Road to South Property Line Tax Map 707-7-16 (Mini-Assessment Roll)

a. Property of Jessie Stubbins

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Jessie Stubbins, identified as Tax Map #671-1-20, 1829 Fletchers Chapel Road, approximately 39.7 acres, no map, has not benefited at this time from the sewer improvement and to relieve the assessment in the amount of \$16,577 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service (in accordance with City policy) was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

b. Properties of Johnny R. and Velcie G. Carter

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Johnny R. and Velcie G. Carter, identified as Tax Map #671-1-19, 1749 Fletchers Chapel Road, Home Lot, .67 acres, has benefited from the sewer main improvement and confirm the assessment in the amount of \$3,352.50 (new frontage--property subdivided); and

To find that the property of Johnny R. and Velcie G. Carter, identified as Tax Map #671-1-18A, Fletchers Chapel Road, part of Tract 3, has not benefited at this time from the sewer improvement and to relieve the assessment in the amount of \$2,379.16 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service (in accordance with City policy); and

To find that the property of Johnny R. and Velcie G. Carter,

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identified as Tax Map #671-1-42, Fletchers Chapel Road, 0.94 acres, not recorded, vacant, has not benefited at this time from the sewer improvement and to relieve the assessment in the amount of \$2,793.75 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service (in accordance with City policy); and

To find that the property of Johnny R. and Velcie G. Carter, identified as Tax Map #671-1-19, Fletchers Chapel Road, 6.96 acre tract, vacant, has not benefited at this time from the sewer improvement and to relieve the assessment in the amount of \$3,801.74 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service (in accordance with City policy) was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: Curb, Gutter and Paving, and Water and Sewer Laterals - Virginia Avenue from Pershing Street to Sprunt Avenue

To adopt a resolution ordering curb, gutter and paving, and water and sewer laterals on Virginia Avenue from Pershing Street to Sprunt Avenue.

Due to improper advertisement of this improvement, City Engineer Ken Wright requested council to refer this matter to the administration.

MOTION by Council Member Larson seconded by Council Member Miller to refer this matter to the administration was approved at 7:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: Water Main - Debra Drive from North Property Line of Tax Map 718-3-8 to Carpenter Road

To adopt a resolution ordering water main on Debra Drive from north property line of Tax Map 718-3-8 to Carpenter Road.

Due to improper advertisement of this improvement, City Engineer Ken Wright requested council to refer this matter to the administration.

MOTION by Council Member Larson seconded by Council Member Miller to refer this matter to the administration was approved at 7:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

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Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: VOLUNTARY PETITIONS FOR THREE ANNEXATIONS FOR FISCAL YEAR 1998 - CHANCELLOR'S RIDGE, NEWHALL VILLAGE AND TREUBURN I-8

a. Chancellor's Ridge - FY98-07

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens comments concerning annexation of Chancellor's Ridge, which consists of 175 acres contiguous to the City Limits and located east of NC Highway 751, south of Massey-Chapel Road, and west of Fayetteville Road; and

To adopt "An Ordinance Annexing to the City of Durham An Area Hereinafter Described and Abutting Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 (Chancellor's Ridge)" was approved at 7:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

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b. Newhall Village - FY98-08

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens comments concerning annexation of Newhall Village, which consists of 12 acres contiguous to the City Limits and located off Newhall Road, south of Sedwick Road, and east of Grandale Drive; and

To adopt "An Ordinance Annexing to the City of Durham An Area Hereinafter Described and Abutting Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 (Newhall Village)" was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

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and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

Ordinance #11429

c. Treyburn I-8 - FY98-09

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens concerning annexation of Treyburn I-8, which consists of 80 acres non-contiguous to the City Limits and located south of Treyburn Parkway, west of Vintage Hill Parkway, and northeast of Little River Reservoir; and

To adopt "An Ordinance Annexing to the City of Durham An Area Hereinafter Described, Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Treyburn I-8)" was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

Ordinance #11430

SUBJECT: STREET CLOSING (CASE SC97-12) - PORTION OF DEARBORN DRIVE, HOUSING AUTHORITY OF THE CITY OF DURHAM

Harold Smith, of the City/County Planning Department, noted that the Durham Public Schools stated that the bus routes and bus stop locations currently serving this area would not be significantly affected by this closing [students using the current bus stop on Dearborn in this area would be relocated to existing nearby stops on Danube Lane and Wiggins Street]. Also, Mr. Smith noted that Durham Public Schools noted there are not now and would not be proposed any stops located on Old Oxford Highway in this area. Mr. Smith noted that after a more detailed review of the proposed landscaped area and the modified access to some of the housing units, Emergency Medical Services would have reasonable access throughout the development and they also support the request. Mr. Smith informed the council that the Transportation Division looked at the possibility of installing either traffic calming facilities or temporary landscaped barricades and felt they would not be as effective and would not be as attractive as the landscaping proposed by the Housing Authority. He stated that the Police

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Department noted that this closing would obstruct a drive-through route using Dearborn that seems to encourage drug trafficking within the area.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Gwen Simpson, representing the Durham Housing Authority, stated they were in support of the requested closing for a portion of Dearborn Drive as a part of Durham Housing Authority's overall modernization plan for the Oxford Manor community. She noted that Oxford Manor was constructed in 1968 and when the project is complete, the Housing Authority would have spent over eight million dollars. Ms. Simpson asked council to support the closing in order for the Housing Authority to move forward on developing the property.

Dianna Cotten, a resident of Oxford Manor, spoke in support of the closing.

Darlene Smith, a resident of Oxford Manor, spoke in support of the closing. Also, Ms. Smith informed council of police statistics relative to accidents on Dearborn Drive within the past year and she noted there were 971 calls relative to drugs in the area.

David Wise, a resident of Dearborn Drive, spoke in support of the street closing.

Dan Jewel, representing the Durham Housing Authority, presented a slide presentation showing what portion of Dearborn Drive would be closed. He noted the closing would not impede emergency vehicle access.

Brenda Watkins, President of Oxford Manor Community, stated that the residents did not have input in the recent meetings that have taken place. Ms. Watkins stated although Oxford Manor was a public housing development, the residents would like to have input according to HUD regulations. Ms. Watkins stated that the memorandum dated April 27th contained two errors.

Samuel Hall spoke in support of the street closing.

Mayor Tennyson closed the public hearing.

MOTION by Council Member Miller seconded by Council Member Clement to receive a report from the Administration on the proposed closing of a portion of Dearborn Drive; and

To receive citizen comments on the proposed street closing; and

To adopt an "Order Permanently Closing a 23,889± Square Foot Portion of Dearborn Drive, between Danube Lane and Keystone Place"

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was approved at 8:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Members Blyth and Cox. Absent: Council Member Brown.

Ordinance #11431

At this time, Mayor Tennyson asked the council to reconsider the Consent Agenda adoption. He stated a citizen had requested that Consent Item 6 be pulled and he had overlooked the request earlier in the meeting.

MOTION by Council Member Larson seconded by Council Member Miller to reconsider the adoption of the Consent Agenda was approved at 8:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda [excluding Consent Items 1, 2, 3, 6, 12 and 24] was approved at 8:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

[OTHER MATTERS]

SUBJECT: PRIVATE SALE OF REAL PROPERTY IN SOUTHWEST CENTRAL DURHAM TO DURHAM COMMUNITY LAND TRUSTEES - 871/873 AND 875/877 ESTES STREET

To adopt a resolution authorizing the private sale of property located at 871/873 and 875/877 Estes Street for \$16,000 (\$8,000 each) by the City Manager and authorizing the Mayor to convey the property by deed to Durham Community Land Trustees.

A motion was made by Council Member Larson to approve the item as printed on the agenda. This motion was seconded by Council Member Miller.

Selina Mack, representing the Durham Community Land Trustees, presented information on Durham Community Land Trustees and background info on the purchase of the two properties on Estes Street.

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Muna Mujahid read comments from citizens supporting the private sale of these properties to Durham Community Land Trustees.

Council Member Cox stated his concerns/objections were with the process and not the product. Mr. Cox asked what policy would the council be establishing if the item is approved as printed without allowing the opportunity for upset bids.

A substitute motion was made by Council Member Cox to approve the item as printed on the agenda and to allow the opportunity for upset bids.

After consulting with the City Attorney, Mayor Tennyson noted that the substitute motion should state to receive the offer from Durham Community Land Trustees in the amount of \$16,000 for property located at 871/873 and 875/877 Estes Street and to begin the upset bid process.

Council Member Cox noted that the motion stated by the Mayor was correct.

Mayor Pro Tempore Clement seconded Council Member Cox's motion.

Several Council Members spoke in opposition to the substitute motion stating the renovation in this community needed to continue which would help deter criminal activity and increase homeownership.

Council Member Blyth stated that citizens residing in the West End community want to be able to own the home and the land. She requested a friendly amendment to the substitute motion stating "that properties be sold for homeownership."

Kendall Abernathy, of the Housing Department, stated that these homes are for homeownership. She also stated there would be deed restrictions because this proposal is being financed with HOME monies.

Council Member Cox accepted the friendly amendment.

SUBSTITUTE MOTION by Council Member Cox seconded by Mayor Pro Tempore Clement to receive the offer from Durham Community Land Trustees in the amount of \$16,000 for property located at 871/873 and 875/877 Estes Street and to begin the upset bid process with the understanding that the properties be sold for homeownership **FAILED** at 8:54 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth and Cox. Noes: Mayor Tennyson and Council Members Burnette, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: Council Member Brown.

MOTION by Council Member Larson seconded by Council Member Miller

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to adopt a resolution authorizing the private sale of property located at 871/873 and 875/877 Estes Street for \$16,000 (\$8,000 each) by the City Manager and authorizing the Mayor to convey the property by deed to Durham Community Land Trustees was approved at 8:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

Resolution #8458

SUBJECT: REPORT/RECOMMENDATION FROM ADMINISTRATION CONCERNING THE PAY PLAN CHANGES

Mayor Pro Tempore Clement requested the administration to prepare a statement outlining the benefit package currently offered by the City.

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning questions raised by City employees and Councilmembers during the review of the Pay Plan by the Pay Plan Subcommittee; and

To refer the following recommendations of the Pay Plan Subcommittee to the City Manager to be considered in the proposed budget for FY 1998-99: 1) to change the current 3/2/1 merit plan to a 4/3/2 merit plan; and 2) to add a 2% lump-sum payment for those employees who receive an "outstanding" rating was approved at 8:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: DURHAM POLICE DEPARTMENT QUARTERLY STATUS REPORT

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to accept the attached forms as the official means of reporting staffing levels and current calls for service to the City Council and to include the Seven Point Crime Reduction Initiative Quarterly Report; and

To receive the attached Report for Quarter #1 - Ending March 31, 1998 reflecting data for the first quarter of 1998 was approved at 8:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Clement, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

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**SUBJECT: DONATION OF WOOLWORTH BUILDING - 124 WEST MAIN STREET AND
119 WEST PARRISH STREET**

Wade Penny, representing Downtown Durham, Inc, spoke in support of this item.

Mayor Pro Tempore Clement raised concern relative to the financial feasibility of this proposal.

MOTION by Council Member Miller seconded by Council Member Jacobs to authorize the City Manager to accept the donation to the City of the Woolworth properties at 124 West Main Street (Tax Map 19, Block 2, Lot 8) and 119 West Parrish Street (Tax Map 19, Block 2 Lot 5) was approved at 9:05 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: Council Member Brown.

SUBJECT: CEMETERY MARKETING UPDATE REPORT

MOTION by Council Member Larson seconded by Council Member Miller to receive an updated report from the Administration on the Cemetery marketing and sales progress was approved at 9:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: CAPITAL PROJECT ORDINANCE AMENDMENTS

Phillip Vereen, representing the Forest View Heights Community, spoke in support for funding a park in the Forest View Heights Community.

The City Council invited Mr. Vereen to speak at the public hearing on the FY98-99 budget scheduled for June 1, 1998.

MOTION by Council Member Larson seconded by Council Member Miller to adopt the following amended capital project ordinances reflecting recent changes in priorities for 1996 bonds and capital project housekeeping was approved at 9:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

- a. Capital Project Ordinance Superseding Ordinance #11387
Concerning Street Capacity and Safety Improvements

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- b. Capital Project Ordinance Superseding Ordinance #10793
Concerning Traffic Signal System Upgrade
- c. Capital Project Ordinance Superseding Ordinance #11381
Concerning Federal and State Transportation Matching
Projects
- d. Capital Project Ordinance Superseding Ordinance #10781
Concerning Mobile Data Terminals

Ordinance #11415

Ordinance #11416

Ordinance #11417

Ordinance #11418

SUBJECT: DURHAM'S GUN REGISTRATION LAW (HOUSE BILL 566)

To approve the Police Department's recommendation concerning funding a computerized gun registration program.

John Posthall, representing Grass Roots North Carolina Political Victory Fund, stated the law is unlikely to withstand a constitutional challenge from one of the group's many lawyers - some of whom work for free to defend gun ownership.

Shiangtai Tuan, a Durham resident, stated the council should stick to laws that serve a purpose and work.

Terry Fields, a Chapel Hill resident, stated the law violates gun owners' civil rights.

Chris Tiffany, a Durham resident, spoke in opposition to police aggressiveness.

Jerry Varns, a Durham resident, stated the law will distract the new police chief diverting her attention away from community action and community support and cause polarization and a loss of momentum.

Police Chief Chambers stated this proposal would be used as a tool and they needed a way to retrieve the data and resources were needed to make that a reality.

A motion was made by Council Member Miller to approve the item as printed on the agenda. This motion was seconded by Council Member McKissick.

For clarification, it was noted by the Mayor that this proposal was not a Durham City Ordinance it was a state law.

Several Council Members spoke in support of the item as printed on

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the agenda.

Mayor Tennyson stated he was concerned with violence and crime just like everyone else, however; he also was concerned about spending \$21,000 and potential court costs relative to litigation. He recommended the city seek an opinion from the state attorney general's office to ensure that the state law was still constitutional before approving the recommendation to fund a computerized gun registration program.

Council Member McKissick noted that House Bill 566 had not been repealed by the General Assembly and encouraged the council to support the original motion.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Burnette to delay action on this proposal and to direct the City Attorney to seek a determination from the state attorney general's office on House Bill 566 **FAILED** at 9:59 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Burnette, Cox, Griffin and Larson. Noes: Mayor Pro Tempore Clement and Council Members Blyth, Engelhard, Jacobs, Langley, McKissick and Miller. Absent: Council Member Brown.

MOTION by Council Member Miller seconded by Council Member McKissick to approve the Police Department's recommendation concerning funding a computerized gun registration program was approved at 9:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Brown.

SUBJECT: BEER AND WINE LICENSES

- a. To approve the issuance of Beer and Wine Licenses to the establishments listed on **Attachment A** and **Attachment B**.
- b. To authorize the City Manager to send a letter to the ABC Board to request that ABC licenses for the establishments listed on **Attachment B** be revoked for the reasons indicated.

Zack Chahine, representing Jump Shot Billiard, noted the newspaper stated his business was in jeopardy of receiving his beer and wine license due to criminal activity and neighbor complaints. He noted he had made contact with various agencies and the neighbors and they stated they have no complaints concerning his business. Since the article appeared in the newspaper, Mr. Chahine stated it has come to his attention that the only reason his business was in jeopardy was because of taxes due from 1992 which he was unaware of.

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City Manager Ewell asked council to approve the beer and wine license for Jump Shot Billiard. He noted that the outstanding tax lien had been paid.

Douglas Knight, Owner Triangle D Food Mart, spoke in opposition to council requesting revocation of the beer and wine permit. He stated no one from the City had contacted him or the manager about problems at the food mart and he was disappointed when he read about the problems in the local newspaper.

Clay Koontz, representing Christian Pay Phone & Communication, presented information to council regarding how their pay phone system operates at Triangle D Food Mart.

Allen O'Neal, General Manager of Triangle D Food Mart, stated he contacted personnel at the police department when he experienced problems outside the store. Mr. O'Neal informed council of all the measures taken to alleviate problems/criminal activity at the location and he was still striving to make this location a good grocery store. He noted he did have support of the neighborhood association and asked the council to not request that his beer and wine license be revoked.

Cheri Mulholland, representing J & C Tavern, spoke in opposition to her beer and wine license being revoked. She noted since owning the business for four months, she has eliminated the riff-raff, the drug dealers, the ladies of the night, added extra lighting, and the pay phones have been removed. She also stated she has spoken with the police department to obtain suggestions on what they thought she should do to help with problems the business experienced in the past.

Attorney James Williams, representing D & J Sport Shop, noted that it has been stated that the beer and wine license for certain businesses located in certain areas contributes to crime. He noted that D & J Sport Shop had not opened for business and he did not understand how that prediction/pre-judgement could be made. Attorney Williams stated a citizen should be allowed to open a business and if problems arise, they can be reported to the police department and the city council at that particular point would have an option to terminate.

Evelyn Knight, representing Triangle D Food Mart, spoke in opposition to the revocation of the beer and wine license at Triangle D.

For clarification, City Manager Ewell noted that whether an individual had been granted a temporary/permanent license from the state for beer and wine sales, a privilege license was still required within the city. He noted when an individual applies for the privilege license a check is done to determine if there are any outstanding liens and in the case of Jump Shot Billiard there was a tax lien. He stated staff made contact with Mr. Chahine and

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informed him that in order to obtain a privilege license, he would need to pay the outstanding tax. City Manager Ewell stated it was his understanding that the tax lien was just paid recently. Mr. Ewell stated it was also important to note that it was not the intent of staff or the council to suggest that any of the business owners' reputations were being questioned and reputation was not the issue relative to this item. He stated there has been clearly a very strong relationship in the enormous amount of crime in these particular areas [calls for service] and the staff believed there was a strong relationship to the sell of beer and wine for on/off premises regarding the sites in question. City Manager Ewell stated he supported the idea of neighborhood markets; however, the issue was the selling of the 40 ounce bottles of beer; the single sell of cans and the cheap potent wines which cause the police department to respond to a large number of cases in the parking lots to handle issues of loitering; issues of prostitution; fights and other activity. Mr. Ewell stated the concern of the staff was the large number of these types of outlets in certain geographic areas of the city.

Deputy City Manager Brown distributed to council information regarding the number of calls for service by the police department to the sites in question.

A motion was made by Council Member Cox to approve the issuance of Beer and Wine Licenses to the establishments listed on Attachment A [inclusive of Jump Shot Billiard]; and to refer the establishments listed in Attachment B to the administration. This motion was seconded by Council Member Langley.

A substitute motion was made by Council Member McKissick to approve the issuance of Beer and Wine Licenses to the establishments listed on Attachment A and Attachment B excluding Homeboy. Motion failed due to the lack of a second.

Mayor Pro Tempore Clement stated the issue was the location of the business - not the owners.

Council Member Cox raised concern with the process. He stated the establishments listed on Attachment B [excluding Jump Shot Billiard] should be referred to the administration to make sure all parties involved are being treated fairly.

SUBSTITUTE MOTION by Council Member Miller seconded by Council Member Blyth to approve the issuance of Beer and Wines Licenses to the establishments listed on Attachment A inclusive of Jump Shot Billiard; and

To authorize the City Manager to send a letter to the ABC Board to request that ABC licenses for the establishments listed on **Attachment B** be revoked for the reasons indicated was approved at 11:01 p.m. by the following vote: Ayes: Mayor Pro Tempore

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Clement and Council Members Blyth, Engelhard, Griffin, Jacobs, Larson and Miller. Noes: Mayor Tennyson and Council Members Burnette, Cox, Langley and McKissick. Absent: Council Member Brown.

[ESTABLISHMENTS LISTED ON ATTACHMENT A]

El Rodeo Mexican Restaurant (new)
4215 University Drive
Javier Salazar
Beer on premises
Wine on premises

Oh! Brian's (new)
4818 Hwy. 55
Todd Allen Renshaw
Beer on/off premises
Wine on/off premises

Dominion Retail (new owner)
DBA University Coastal Mart
2500 Erwin Road
Kelsie M. Compton
Beer off premises
Wine off premises

Garden of China (new)
4625 Hillsborough Road
Johnathan Lark
Beer on premises
Wine on premises

RAS of Illinois (new owner)
DBA Ristorante Lucia
5410 Hwy 55
Beer on premises
Wine on premises

Old Oxford Express Mart (renewal)
407 Old Oxford Road
Vinod Badhiwala
Beer off premises
Wine off premises

S & A Food Mart (new)
5274 N. Roxboro Road
Effat Hussain
Beer off premises
Wine off premises

Town & Country Superette
33321 Apex Hwy. 55

George's Garage (new)
787 Ninth Street
Peter Isialramnis
Beer on/off premises
Wine on/off premises

T & J Diner (new)
201 S. Dillard Street
Jermaine O. Mitchell
Beer on premises
Wine off premises

Speedway #101 (renewal)
4525 Chapel Hill Blvd.
Paula Twigg
Beer off premises
Wine off premises

Jamaica Jamaica (renewal)
4853 S. Apex Hwy.
Fernando V. Rainford
Beer on premises
Wine on premises

Taqueria Mi Pueblo (new)
223 Village Shopping Ctr.
Heidi S. Burgess
Beer on premises

LJ's Country Store
2545 S. Alston Avenue
Lamisa D. McCoy
Beer off premises
(renewal)

Town & Country Superette
1423 E. Club Blvd.
Earl L. Pickett
Beer off premises
Wine off premises
(renewal)

West End Mini-Mart
1200 Duke University

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Earl L. Pickett
Beer off premises
Wine off premises
(renewal)

Kroger #314 (renewal)
Tim Riggs
Beer off premises
Wine off premises

Massey's Grocery (renewal)
4430 Fayetteville Road
Lloyd Allen Massey
Beer on/off premises
Wine off premises

Town & Country Superette (renewal)
3700 Fayetteville Street
Earl L. Pickett
Beer off premises
Wine off premises

MM Fowler, Inc. (renewal)
Umstead Road BP
Dan Ireland
Beer off premises
Wine off premises

Jump Shot Billiard L.L.C. (new)
3405 E. Hillsborough Road
Zack Chahine
Beer on/off premises
Wine on premises

The Palace (renewal)
117 West Parrish Street
Maurice Ochala
Beer on premises
Wine on premises

Esquire Lounge (new)
704 Rigsbee Street
Cornelius Hines
Beer on/off premises
Wine on/off premises

Ibienebo Agina-Obu
Beer off premises
Wine off premises
(new owner)

2213 Angier Avenue
Raja H. Assaf
Beer off premises
Wine off premises
(renewal)

Town & Country Superette
3101 University Drive
Earl L. Pickett
Beer off premises
Wine off premises

Tri Star Amoco (new)
2900 Chapel Hill Blvd.
Iftikhar Taj Abbasi
Beer off premises
Wine off premises

Kroger #337 (renewal)
5115 N. Roxboro Road
Eddie Mullens
Beer off premises
Wine off premises

Bennett Pointe Grill
4625 Hillsborough Road
Johnathan Lark
Beer on premises
Wine on premises (new)

Kerr Drugs #404 (renewal)
3616 Hillsborough Road
John Deloatch
Beer off premises
Wine off premises

Triangle Billiards
2105 E. Hwy. 54
David Johnson
Beer on/off premises
Wine on/off premises
(new owner)

Crickett Inn -Durham Duke (renewal)
2306 Elba Street
Robert Miller
Beer off premises
Wine off premises

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[ESTABLISHMENTS LISTED ON ATTACHMENT B]

J C "Pat's East End Tavern"
2602 Angier Avenue
Kyle E. Mulholland
Beer on/off premises
(new owner)

Triangle Food Mart #4
403 W. Trinity Avenue
Allen O'Neal
Beer off premises
Wine off premises
(new owner)

Homeboy (new)
615 E. Geer Street
Frank E. Carver, Jr.
Beer on premises

D & J Sport Shop (new)
907 E. Main Street
James F. White
Beer on premises

There being no further business to come before the Council, the meeting was adjourned at 11:02 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk